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**From:** Goodin, John [Goodin.John@epa.gov]  
**Sent:** 2/12/2018 10:01:43 PM  
**To:** Hurlid, Kathy [Hurlid.Kathy@epa.gov]; Libertz, Catherine [Libertz.Catherine@epa.gov]; McDavit, Michael W. [Mcdavit.Michael@epa.gov]; Connors, Sandra [Connors.Sandra@epa.gov]; Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]  
**Subject:** RE: draft response to Jan Goldman-Carter's e-mail RE: CLARIFICATION: NWF DOES NOT SUPPORT EPA's EXPEDITED FL STATE ASSUMPTION PROCESS

Thanks, Kathy. Appreciate the quick work here. I'd like to mention tomorrow that I will be sending a brief response to all those copied on Jan's note.

Thanks again,  
John

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**From:** Hurlid, Kathy  
**Sent:** Monday, February 12, 2018 2:39 PM  
**To:** Goodin, John <Goodin.John@epa.gov>; Libertz, Catherine <Libertz.Catherine@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>  
**Subject:** draft response to Jan Goldman-Carter's e-mail RE: CLARIFICATION: NWF DOES NOT SUPPORT EPA's EXPEDITED FL STATE ASSUMPTION PROCESS

Cathy,

Below is a potential response to Jan's e-mail that would go out to the FACA members as there appears to be a bit of angst regarding what EPA is or is not doing. I moved those that were not formally part of the FACA to the CC line with the exception of Dave Evans and David Ross as they are EPA but were not part of the final FACA group. I added myself, the DFO and our staff counsel on this distribution. You may want to add Steve Neugeboren. I leave that up to you all. You should be able to cut and paste these into the to and cc lines.

**Addressees:** [Susan.Lockwood@dep.nj.gov](mailto:Susan.Lockwood@dep.nj.gov), [eric.metz@state.or.us](mailto:eric.metz@state.or.us), [goldmancarterj@nwf.org](mailto:goldmancarterj@nwf.org), [collis.adams@des.nh.gov](mailto:collis.adams@des.nh.gov), [valbrecht@hunton.com](mailto:valbrecht@hunton.com), [craig\\_aubrey@usfws.gov](mailto:craig_aubrey@usfws.gov), [tb4@azdeg.gov](mailto:tb4@azdeg.gov), [laureenboles@gmail.com](mailto:laureenboles@gmail.com), [peg.bostwick@aswm.org](mailto:peg.bostwick@aswm.org), [Dave.Davis@deq.virginia.gov](mailto:Dave.Davis@deq.virginia.gov), [jpdemie@hotmail.com](mailto:jpdemie@hotmail.com), [tdriscoll@nfudc.org](mailto:tdriscoll@nfudc.org), [fishk@michigan.gov](mailto:fishk@michigan.gov), [richardgitar@fdlrez.com](mailto:richardgitar@fdlrez.com), [michelle.hale@alaska.gov](mailto:michelle.hale@alaska.gov), [william.l.james@usace.army.mil](mailto:william.l.james@usace.army.mil), [les.lemm@state.mn.us](mailto:les.lemm@state.mn.us), [Brabe@umich.edu](mailto:Brabe@umich.edu), [gary.setzer@maryland.gov](mailto:gary.setzer@maryland.gov), [szerlog.michael@epa.gov](mailto:szerlog.michael@epa.gov),

**Cc:** [ross.david@epa.gov](mailto:ross.david@epa.gov), [goodin.john@epa.gov](mailto:goodin.john@epa.gov), [mclark@idem.in.gov](mailto:mclark@idem.in.gov), [hurlid.kathy@epa.gov](mailto:hurlid.kathy@epa.gov), [jeanne.christie@aswm.org](mailto:jeanne.christie@aswm.org), [David.Evans@deq.virginia.gov](mailto:David.Evans@deq.virginia.gov), [strickler.jacob@epa.gov](mailto:strickler.jacob@epa.gov)

Dear Subcommittee Members:

## Ex. 5 Deliberative Process (DP)

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# Ex. 5 Deliberative Process (DP)

# Ex. 5 Deliberative Process (DP)

## Ex. 5 Deliberative Process (DP)

Again, thank you for all your work on this.

Not sure who is sending this.

Begin forwarded message:

**From:** "Lockwood, Susan" <[Susan.Lockwood@dep.nj.gov](mailto:Susan.Lockwood@dep.nj.gov)>  
**Date:** February 12, 2018 at 8:35:29 AM EST  
**To:** METZ Eric <[eric.metz@state.or.us](mailto:eric.metz@state.or.us)>, 'Jan Goldman-Carter' <[goldmancarterj@nwf.org](mailto:goldmancarterj@nwf.org)>, "[collis.adams@des.nh.gov](mailto:collis.adams@des.nh.gov)" <[collis.adams@des.nh.gov](mailto:collis.adams@des.nh.gov)>, "[valbrecht@hunton.com](mailto:valbrecht@hunton.com)" <[valbrecht@hunton.com](mailto:valbrecht@hunton.com)>, "[craig\\_aubrey@usfws.gov](mailto:craig_aubrey@usfws.gov)" <[craig\\_aubrey@usfws.gov](mailto:craig_aubrey@usfws.gov)>, "[tb4@azdeq.gov](mailto:tb4@azdeq.gov)" <[tb4@azdeq.gov](mailto:tb4@azdeq.gov)>, "[laureenboles@gmail.com](mailto:laureenboles@gmail.com)" <[laureenboles@gmail.com](mailto:laureenboles@gmail.com)>, "[peg.bostwick@aswm.org](mailto:peg.bostwick@aswm.org)" <[peg.bostwick@aswm.org](mailto:peg.bostwick@aswm.org)>, "[mclark@idem.in.gov](mailto:mclark@idem.in.gov)" <[mclark@idem.in.gov](mailto:mclark@idem.in.gov)>, "Davis, Dave (DEQ)" <[Dave.Davis@deq.virginia.gov](mailto:Dave.Davis@deq.virginia.gov)>, "[jpdenomie@hotmail.com](mailto:jpdenomie@hotmail.com)" <[jpdenomie@hotmail.com](mailto:jpdenomie@hotmail.com)>, "[tdriscoll@nfudc.org](mailto:tdriscoll@nfudc.org)" <[tdriscoll@nfudc.org](mailto:tdriscoll@nfudc.org)>, "[fishk@michigan.gov](mailto:fishk@michigan.gov)" <[fishk@michigan.gov](mailto:fishk@michigan.gov)>, "[richardgitar@fdlrez.com](mailto:richardgitar@fdlrez.com)" <[richardgitar@fdlrez.com](mailto:richardgitar@fdlrez.com)>, "[michelle.hale@alaska.gov](mailto:michelle.hale@alaska.gov)" <[michelle.hale@alaska.gov](mailto:michelle.hale@alaska.gov)>, "[william.l.james@usace.army.mil](mailto:william.l.james@usace.army.mil)" <[william.l.james@usace.army.mil](mailto:william.l.james@usace.army.mil)>, "[les.lemm@state.mn.us](mailto:les.lemm@state.mn.us)" <[les.lemm@state.mn.us](mailto:les.lemm@state.mn.us)>, "[Brabe@umich.edu](mailto:Brabe@umich.edu)" <[Brabe@umich.edu](mailto:Brabe@umich.edu)>, "[gary.setzer@maryland.gov](mailto:gary.setzer@maryland.gov)" <[gary.setzer@maryland.gov](mailto:gary.setzer@maryland.gov)>, "[szerlog.michael@epa.gov](mailto:szerlog.michael@epa.gov)" <[szerlog.michael@epa.gov](mailto:szerlog.michael@epa.gov)>, Jeanne Christie <[jeanne.christie@aswm.org](mailto:jeanne.christie@aswm.org)>  
**Cc:** "[ross.david@epa.gov](mailto:ross.david@epa.gov)" <[ross.david@epa.gov](mailto:ross.david@epa.gov)>, "[goodin.john@epa.gov](mailto:goodin.john@epa.gov)" <[goodin.john@epa.gov](mailto:goodin.john@epa.gov)>  
**Subject:** RE: CLARIFICATION: NWF DOES NOT SUPPORT EPA's EXPEDITED FL STATE ASSUMPTION PROCESS

Jan, to my knowledge, NJ has not recently been contacted about assumption. I share your concerns.

Susan

**Susan D. Lockwood**

Environmental Specialist 4  
DEP Division of Land Use Regulation  
Mail Code 501-02A, P.O. Box 420  
Trenton, NJ 08625-0420  
(609)984-0580

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**From:** METZ Eric [mailto:eric.metz@state.or.us]

**Sent:** Friday, February 09, 2018 6:44 PM

**To:** 'Jan Goldman-Carter' <goldmancarterj@nwf.org>; collis.adams@des.nh.gov; valbrecht@hunton.com; craig\_aubrey@usfws.gov; tb4@azdeq.gov; laureenboles@gmail.com; peg.bostwick@aswm.org; mclark@idem.in.gov; Davis, Dave (DEQ) <Dave.Davis@deq.virginia.gov>; jpdenomie@hotmail.com; tdriscoll@nfudc.org; fishk@michigan.gov; richardgitar@fdlrez.com; michelle.hale@alaska.gov; william.l.james@usace.army.mil; les.lemm@state.mn.us; Lockwood, Susan <Susan.Lockwood@dep.nj.gov>; Brabe@umich.edu; gary.setzer@maryland.gov; szterlog.michael@epa.gov; Jeanne Christie <jeanne.christie@aswm.org>

**Cc:** ross.david@epa.gov; goodin.john@epa.gov

**Subject:** RE: CLARIFICATION: NWF DOES NOT SUPPORT EPA's EXPEDITED FL STATE ASSUMPTION PROCESS

Thanks Jan, for reaching out to us with your concerns. I was not aware that Florida is pursuing assumption.

**Eric D. Metz, P.W.S.**

Planning & Policy Manager  
Aquatic Resource Management Program  
Oregon Department of State Lands  
503-986-5266  
<http://www.oregon.gov/dsl/Pages/index.aspx>

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**From:** Jan Goldman-Carter [mailto:goldmancarterj@nwf.org]

**Sent:** Friday, February 9, 2018 3:37 PM

**To:** collis.adams@des.nh.gov; valbrecht@hunton.com; craig\_aubrey@usfws.gov; tb4@azdeq.gov; laureenboles@gmail.com; peg.bostwick@aswm.org; mclark@idem.in.gov; Davis, Dave (DEQ) <Dave.Davis@deq.virginia.gov>; jpdenomie@hotmail.com; tdriscoll@nfudc.org; fishk@michigan.gov; richardgitar@fdlrez.com; michelle.hale@alaska.gov; william.l.james@usace.army.mil; les.lemm@state.mn.us; Susan.Lockwood@dep.nj.gov; METZ Eric <Eric.Metz@dsl.state.or.us>; Brabe@umich.edu; gary.setzer@maryland.gov; szterlog.michael@epa.gov; Jeanne Christie <jeanne.christie@aswm.org>

**Cc:** ross.david@epa.gov; goodin.john@epa.gov

**Subject:** CLARIFICATION: NWF DOES NOT SUPPORT EPA's EXPEDITED FL STATE ASSUMPTION PROCESS

Assumable Waters Subcommittee – I know our task is done, but I need to be crystal clear with all of you and particularly EPA and Corps staff and officials that NWF strongly opposes EPA's campaign to expedite 404 State Assumption in Florida and elsewhere.

I am very disturbed to learn that my very narrow support for the very limited recommendations we made with regard to assumable waters may now be being misrepresented as support of state assumption.

In fact, our limited findings were predicated upon a set of assumptions that included strong legal and policy safeguards that ensured that only legally strong, effective, well-resourced state programs would be approved, and would be approved through a transparent process subject to meaningful public input. We are strongly opposed to the process as it seems to be moving in Florida and will be opposed to any similar expedited process that may proceed in other states.

For what it's worth,

Jan

Jan Goldman-Carter  
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National Wildlife Federation  
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